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# Sierra Club Glen Canyon Group

P.O. Box 622  
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September 5, 2001

SEP 10 2001

Mr. Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, D.C. 20585

RE: REQUEST FOR DOE HEARINGS IN UTAH RE YUCCA MOUNTAIN

Dear Secretary Abraham:

The Sierra Club Glen Canyon Group objects to the lack of proper, reasonable notice and opportunity for hearing on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository. We understand that DOE has only scheduled hearings regarding this recommendation in Nevada.

If the Yucca Mountain Repository is approved, nuclear waste will be transported through many communities in Utah. Therefore, DOE should schedule hearings in several of the affected communities throughout the state. The public must be given sufficient notice in advance about the hearings to be able to obtain and read the PSSE, consult with experts if necessary, and prepare comments.

Hearings must be held in Utah because:

- 1) Hearings on Yucca Mountain have been held in Salt Lake City in the past.
- 2) Utah is located right next to Nevada.
- 3) Utahns would be impacted by transportation of radioactive materials to Yucca Mountain from the east.
- 4) Utahns have demonstrated significant interest in nuclear waste disposal, not only at Yucca Mountain, but also at Envirocare's low level radioactive waste dump near Tooele, Utah; at IUC's White Mesa Mill near Blanding, Utah; and at PFS's proposed Monitored Retrievable Storage facility for high level waste on the Goshute Indian Reservation in Utah.

In addition, hearings should be scheduled in every other state and community that will be affected by transportation of high level nuclear waste to Yucca Mountain.

The notices that your agency published in the Federal Register on August 21, 27 and 31, did not clearly place the public on notice that these are public hearings on your agency's decision to

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recommend Yucca Mountain as the site for a national high-level nuclear waste repository. The notices give the impression that these are merely hearings on the PSSE.

DOE provided less than 30 days notice after the availability of the PSSE, which is a technical document that is 370 pages long. This does not allow enough time for ordinary citizens to meaningfully participate in the process.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves--and affected Nevadans--must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protection of citizens' rights to due process in this instance.

We are certain you have violated our rights and those of the citizens of Nevada.

We call on you to reschedule these hearings with adequate notice, add hearings in many states other than Nevada, and provide a meaningful opportunity for all persons who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository to be heard.

Sincerely,

*Victoria Woodard*

Victoria Woodard  
Conservation Chair  
Sierra Club Glen Canyon Group

cc: Lake Barrett, Acting Director  
Office of Civilian Radioactive Waste Management

Carol Hanlon  
U.S. Department of Energy